

1 Q How would you characterize the difference between  
2 an employee and a consultant?

3 A Mr. Blabey gets a consultant check without a pay  
4 stub, and I get one with a pay stub.

5 Q Could you be more specific as to what the  
6 difference is?

7 MR. EDMUNDSON: I object. It seems to me, Your  
8 Honor, the answer was complete.

9 THE COURT: You can get at it another way. If he  
10 gets a check, what is the difference between having a stub  
11 on it or not?

12 THE WITNESS: I don't know.

13 THE COURT: Do you hand him his check?

14 THE WITNESS: Mr. Weis forwards me the checks at  
15 the end of the month -- the beginning of the next month, and  
16 I distribute them.

17 THE COURT: And so, your paycheck has an  
18 attachment to it?

19 THE WITNESS: That's correct.

20 THE COURT: And that is what you call a stub?

21 THE WITNESS: That's correct.

22 THE COURT: What is on the attachment?

23 THE WITNESS: The deductions to date. My Social  
24 Security number.

25 THE COURT: Social Security deductions, income

1 tax --

2 THE WITNESS: Federal income tax and disability  
3 deduction.

4 THE COURT: Mr. Blabey's does not have the stub?

5 THE WITNESS: That's correct.

6 THE COURT: So, to the best of your knowledge, he  
7 has no deductions taken out?

8 THE WITNESS: That's correct.

9 BY MS. FRIEDMAN:

10 Q Ms. Montana, is that the only difference that you  
11 understand as pertains to the paycheck?

12 A That's the only difference that I understand.

13 Q Ms. Montana, when you were first employed by WJUX,  
14 did you have some sort of employment contract or letter of  
15 understanding?

16 A I have a letter of agreement with Mr. Weis.

17 MS. FRIEDMAN: Your Honor, may I approach the  
18 witness?

19 THE COURT: Let the record reflect, I nodded my  
20 head yes.

21 BY MS. FRIEDMAN:

22 Q Ms. Montana, I would like to show you Mass Media  
23 Bureau Exhibit 12, which I would like to identify as a  
24 letter of agreement between Ms. Montana and Mr. Weis for  
25 employment.

1           Could you please read the first sentence of the  
2   second paragraph?

3           MR. EDMUNDSON: One moment, Your Honor.

4           THE COURT: Do you want it read aloud?

5           MS. FRIEDMAN: Yes.

6           THE WITNESS: "Monticello Mountaintop  
7   Broadcasting, Inc. agrees to engage Carol M. Montana as an  
8   independent consultant on radio station management matters  
9   effective with the first date of broadcasting of Monticello  
10   Mountaintop Broadcasting, Inc. in Monticello, New York. The  
11   weekly fee for said consulting services shall be \$25 paid  
12   monthly in arrears."

13          BY MS. FRIEDMAN:

14          Q    Thank you. Also, part of Mass Media Bureau  
15   Exhibit 12 is a copy of your paycheck. Could you read that?

16          A    It says: "Consult and phone."

17          THE COURT: Is what Ms. Friedman showed you the  
18   letter of agreement with Mr. Weis that you were referring  
19   to?

20          THE WITNESS: That's correct.

21          THE COURT: Was your signature on that?

22          THE WITNESS: Yes.

23          THE COURT: Do you know about when this was done,  
24   because the letter is undated

25          THE WITNESS: It was sometime in October of 1994.

1 It was undated, due to my fault I forgot. I copied a  
2 letter that Mr. Blabey gave me. Just inserted my name and  
3 forgot to date it.

4 THE COURT: Thank you.

5 BY MS. FRIEDMAN:

6 Q So, Ms. Montana, based on that letter, would you  
7 now want to state for the record, are you an employee or a  
8 consultant for WJUX?

9 A I was a consultant. I am now an employee.

10 Q Could you explain how this change came about?

11 A After I got a few checks from Mr. Weis, I became  
12 concerned that I would have to pay self-employment taxes,  
13 and I did not want to have to get into that for such a small  
14 amount of money. So, I asked to be put on the payroll, and  
15 he agreed.

16 Q Ms. Montana, you stated previously that Mr. Blabey  
17 supervises you at WJUX?

18 A That's correct.

19 Q What is Mr. Blabey's schedule?

20 A I'm sorry?

21 Q What is Mr. Blabey's schedule at the station?  
22 What are his hours?

23 A Mr. Blabey has no set schedule. He gets there  
24 when he gets there, and he leaves when he has to leave.

25 Q Ms. Montana, did WXTM have any employees, when it

1 first went on the air for the first few months?

2 A When they first went on the air, they had myself  
3 as an employee. I'm sorry. They had two consultants, I  
4 guess.

5 Q At anytime, were there any other people hired at  
6 the station?

7 A At any other time?

8 Q How about the first year of operation? Was anyone  
9 else hired?

10 A In August of 1995, George Spicka was hired to  
11 conduct weekly E.B.S. tests and meter readings.

12 Q Did WVOs employees ever assist in the operation of  
13 WXTM?

14 A Could you define "assist in the operation of"?

15 Q For example, if there was a program interruption  
16 at the station --

17 A If there was what?

18 Q A program interruption at WXTM. Who did you call?

19 A Depends on the time of day.

20 Q Ms. Montana, were there any program interruptions  
21 at WXTM?

22 A Yes, there were.

23 Q Could you tell me about what time the first one  
24 took place?

25 A In the spring -- I'm sorry. In the early winter

1 of 1995, there was an ice storm that hit Sullivan County.  
2 It was very bad. The power was out throughout the county  
3 for a number of days, and the studio was knocked off the air  
4 for several hours.

5 Q When this occurred, who was the first person you  
6 notified?

7 A I'm sorry?

8 Q When this occurred, who was the first person you  
9 notified?

10 A I don't recall.

11 Q Ms. Montana, could you clarify when you say off  
12 the air, did you mean WVOS or WXTM?

13 A I'm sorry. Say that again.

14 Q When you say there was an ice storm and the  
15 station was off the air, did you mean WVOS or WXTM?

16 A I meant WXTM. WVOS was also off the air.

17 Q When that occurred, did you call anyone for  
18 assistance in putting the station back on the air?

19 A WXTM?

20 Q Yes.

21 A I do not recall.

22 THE COURT: Let's say on an ordinary day without  
23 an ice storm, how would you know whether WXTM or WJUX was  
24 off the air?

25 THE WITNESS: That would also depend on the time

1 of the day. I listen to WJUX to and from work. If they're  
2 off the air at that point in time -- and by off the air, I  
3 mean I can't hear them. If they're off the air at that  
4 point in time, I will get to work and check what's going on,  
5 or I will call the engineer who is George Spicka right now.

6 THE COURT: When you have been on the way to work  
7 or going home from work, and you have been listening to  
8 WJUX, it has been silent?

9 THE WITNESS: Yes.

10 THE COURT: Okay. About how often does that  
11 happen?

12 THE WITNESS: Rarely.

13 THE COURT: Okay. Now, when you are at work in  
14 the WVOS building, is whatever going on at WVOS on the  
15 speakers there?

16 THE WITNESS: Yes, it is.

17 THE COURT: Annoying, isn't it?

18 THE WITNESS: Absolutely.

19 THE COURT: Okay. So, you would not know when you  
20 were in the building whether or not WXTM or WJUX was off the  
21 air?

22 THE WITNESS: That's correct.

23 THE COURT: Is that what you meant by when you  
24 said it depends on the time of day who you would call or  
25 whether you would call?

1 THE WITNESS: That's correct.

2 BY MS. FRIEDMAN:

3 Q Ms. Montana, I would like to refer you back to the  
4 deposition.

5 A Okay.

6 Q I would refer you to Page 38.

7 A Okay.

8 Q I want you to read first to yourself, and then out  
9 loud, from Line 17 through Line 11 of the next page.

10 A Seventeen through eleven?

11 Q Yes.

12 A Okay. You want me to read it out loud?

13 Q Yes.

14 MR. RILEY: Your Honor, I object to this. I  
15 recall a reference back to deposition transcripts would be  
16 permitted if counsel was offering to show a conflict between  
17 deposition testimony and the live testimony given here. To  
18 have a witness read something into the record without  
19 counsel's representation that that is going to show a  
20 conflict, not simply the use of different language, because  
21 we have different language all the while between the  
22 depositions and what is said here. But I think we will  
23 leave it here forever, and we will end up with this  
24 transcript in the record.

25 THE COURT: You can use a deposition for two



1 purposes. If the witness says, 'I don't remember, or I  
2 don't recall,' and there is a portion in the deposition  
3 where you believe the witness did recall and answer the  
4 question, you say, 'Read it to yourself. Does that refresh  
5 your recollection?' And the witness will say, 'Yes.' And  
6 you say, 'Can you answer the question now?' And then the  
7 witness will answer.

8 And the second reason is for impeachment, to show  
9 that there is a conflict between what the witness said  
10 today, and what the witness said in the deposition. And it  
11 has to be a real conflict, not a semantical difference.

12 Now, I do not have the deposition in front of me.  
13 Do you have an extra copy for me?

14 THE WITNESS: I have a copy. I could get mine and  
15 give the Judge this.

16 THE COURT: Why don't we do that? Whatever I  
17 have, I want to put a clean copy in front of me.

18 Let's go off the record, and I will see if it is a  
19 conflict.

20 (Whereupon, a short recess was taken.)

21 THE COURT: Okay. I am back on the record. I do  
22 not think that this presents a conflict. This covers a  
23 different matter. The testimony that came out was whether  
24 Ms. Montana, of her knowledge, knew whether WJUX was off the  
25 air, because she listened to it going back and forth from

1 work. The question on Line 17 and 19 is a different  
2 question, so it goes to a different subject. I have no  
3 problem if you just ask her the question.

4 MS. FRIEDMAN: I believe I was trying to find out  
5 if Ms. Montana, in the event of a program interruption, ever  
6 called WVOS employees?

7 THE COURT: Well, ask the question that way, and  
8 see what you get.

9 BY MS. FRIEDMAN:

10 Q Ms. Montana, in the event of a program  
11 interruption on WJUX, did you ever notify a WVOS employee?

12 A Yes. I did.

13 Q Could you tell about the time the program  
14 interruption was?

15 A I believe it was in the morning, and I got a phone  
16 call that the station was off the air. That it could not be  
17 heard. And I called the WVOS operations manager, Mike  
18 Sakell, who also does a morning air shift, to see if he knew  
19 if there was any transmitter problem.

20 Q Was there ever any other occasion when WJUX was  
21 off the air?

22 A There was another time that I could not hear the  
23 signal. Yes.

24 Q How were you notified of this?

25 A How was I notified of this?

1 Q How did you know it was off the air?

2 A I got a phone call from the public.

3 Q From?

4 A From a member of the general public. A listener.

5 Q Did you ever get a call from Mr. Turro that WJUX  
6 was off the air?

7 A I believe I did.

8 Q Could you tell me the circumstances of that call?

9 A I'm sorry?

10 Q Could you tell me about the program interruption?  
11 Could you tell me what happened?

12 A To the best of my --

13 THE COURT: This refers to the time Mr. Turro  
14 called.

15 MR. RILEY: That is what I wanted to be sure of.

16 MS. FRIEDMAN: Yes.

17 THE WITNESS: To the best of my recollection, that  
18 was the time a fiber optic cable had been cut in Orange  
19 County during a road construction.

20 BY MS. FRIEDMAN:

21 Q When Mr. Turro called you, where were you?

22 A In my office.

23 Q After Mr. Turro called you, what was your next  
24 step? What did you do?

25 A I'm sorry. I don't recall what I did next.

1 Q Once again, could you turn to Page 14 of the  
2 deposition?

3 A Fourteen?

4 Q Yes. And could you read out loud the question and  
5 answer?

6 MR. EDMUNDSON: Your Honor, I would like for her  
7 to read it silently.

8 THE COURT: Yes, I think that is fair.

9 THE WITNESS: Which line was that?

10 BY MS. FRIEDMAN:

11 Q The question is on Line 9, and the answer on 10.  
12 And see if that refreshes your memory.

13 A Okay.

14 Q Does that refresh your memory about what you did  
15 after Mr. Turro called?

16 A I'm confused. I don't know what you're getting  
17 at.

18 THE COURT: I think that the confusion is, the  
19 initial question was, you got a call from Mr. Turro. The  
20 question was, what were the circumstances of the call? And  
21 Ms. Montana said there was a fiber optic cable cut during  
22 construction in Orange County. Is that right?

23 THE WITNESS: It's Orange County. I'm sorry. But  
24 what you're telling me does not refer to the same situation.

25 THE COURT: Let me just finish. Then the question

1 was, where were you? Ms. Montana said she was in her  
2 office. Then the question was, what did you do next? And  
3 Ms. Montana said, 'I don't recall.'

4 And the deposition portion of which you refer her,  
5 that was a different incident?

6 THE WITNESS: This was not the same occasion.  
7 This was a few -- at the previous page, I was home when I  
8 got the call from Mr. Turro. And I called Mike Sakell,  
9 which is what I said I did before.

10 BY MS. FRIEDMAN:

11 Q Were there two times that WJUX was off the air  
12 that Mr. Turro called you?

13 A WJUX, as I stated in another part of my  
14 deposition, has been off the air maybe three times in the  
15 three years that it's been on the air.

16 Q Okay.

17 A It happens rarely. It happens with every radio  
18 station.

19 Q Did Mr. Turro call you on two out of those three  
20 occasions?

21 A I don't recall.

22 THE COURT: Do you know, of your own knowledge, at  
23 the time that WXTM was on the air and then changed to WJUX,  
24 what Mr. Turro's role or title or position, if any, was with  
25 WXTM or WJUX?

1 THE WITNESS: When XTM first signed on the air,  
2 Mr. Turro was the chief engineer.

3 THE COURT: What was the name of the individual  
4 you called for WVOs?

5 THE WITNESS: In the morning if I got a call when  
6 I was still at home, I called Mike Sakell, our operations  
7 manager.

8 THE COURT: He was operations manager?

9 THE WITNESS: Yes. And he also has a morning air  
10 shift, so he would be the one who would know if there was a  
11 transmitter problem, or if he had gotten phone calls at the  
12 radio station, saying, 'We can't hear Jukebox Radio or  
13 WJUX.'

14 THE COURT: Okay.

15 BY MS. FRIEDMAN:

16 Q I believe you said Mike Sakell?

17 A Sakell. S-A-K-E-L-L.

18 Q Where did Mr. Sakell work?

19 A At WVOs.

20 Q Ms. Montana, are you aware of a time when an FCC  
21 inspector came to WJUX?

22 A My memory has been refreshed to that incident.  
23 Yes.

24 Q Were you at the station that day?

25 A Yes, I was.

1 Q Do you remember when it was?

2 A I did not remember when it was. My memory's been  
3 refreshed that it was in April of '95, I believe.

4 Q Were you at the station that day?

5 A Yes, I was.

6 Q Was Mr. Blabey there?

7 A I do not recall Mr. Blabey being there, but Mr.  
8 Blabey has informed me that he was there.

9 Q Do you remember the inspector's name?

10 A Serge Loginow.

11 Q Close enough. It is Mr. Loginow. Did you speak  
12 with him?

13 A Yes, I did.

14 Q Do you remember the conversation you had with him?

15 A I remember basically nothing.

16 THE COURT: Were you relieved he was looking into  
17 WJUX and not WVOS?

18 THE WITNESS: Yes, I was.

19 THE COURT: Okay.

20 THE COURT: And after that, you blanked out?

21 THE WITNESS: I just don't recall what we talked  
22 about.

23 BY MS. FRIEDMAN:

24 Q Ms. Montana, when the inspector came, did you call  
25 anybody or do anything?

1 MR. EDMUNDSON: This is to her recollection.

2 THE COURT: Right. If you remember, say what you  
3 remember. If you do not remember, you just do not remember.  
4 Just say that.

5 THE WITNESS: I really don't remember the sequence  
6 of events. I'm sorry.

7 BY MS. FRIEDMAN:

8 Q Do you remember anything at all about the  
9 inspection?

10 A I remember Mr. Loginow standing in the doorway to  
11 my office leaning on my doorjamb. I remember talking to  
12 him. And I am sorry. I don't remember any of the  
13 conversation.

14 Q Did you call anybody when you saw the inspector?

15 A To the best of my recollection, I called Alan  
16 Kirschner.

17 Q Who is Mr. Kirschner?

18 A Alan Kirschner -- who was then the engineer for  
19 WJUX.

20 Q What was your conversation with him?

21 A Mr. Kirschner was not there. I left a message on  
22 his voicemail.

23 Q Then, did you call anyone else?

24 A And I did not call -- Okay. To the best of my  
25 recollection, I believe I called the Network to inform them



1 that Mr. Loginow was there. And, at that point in time, Mr.  
2 George Spicka, who was not yet an employee of WJUX just  
3 happened to walk in. And since I knew he was an engineer I  
4 thought he might be able to help Mr. Loginow.

5 Q Where did Mr. Spicka work?

6 A Mr. Spicka is retired

7 Q At the time of the inspection, was he employed  
8 anywhere?

9 A Yes. That's correct.

10 Q At the time of inspection, was Mr. Spicka employed  
11 anywhere?

12 A I don't know. He was not employed by WJUX at the  
13 time.

14 Q Was he employed at WVOS?

15 A No.

16 Q What did you ask Mr. Spicka to do?

17 A I think I said, 'Can you help this gentleman?'

18 MR. RILEY: This gentleman being Mr. Loginow?

19 THE WITNESS: Yes.

20 BY MS. FRIEDMAN:

21 Q Do you remember discussing the inspection with Mr.  
22 Weis?

23 A No, I do not recall that.

24 Q Did you discuss the inspection with Mr. Turro?

25 A I do not recall that.

1 Q Did you discuss it with Mr. Blabey?

2 A Probably. I'm sorry. I don't recall.

3 Q Ms. Montana, at the time of the FCC inspection,  
4 which we have set at April of 1995, do you know if there was  
5 remote control of the WJUX transmitter from the WJUX studio?

6 A Yes, there was.

7 Q Could you tell me the nature of this remote  
8 control?

9 A It was a dial-up on the phone remote control.

10 Q Do you know how to operate it?

11 A Yes, I do.

12 Q Could you tell me how you operate this?

13 A You call 292-0537. You enter a code, and you take  
14 the directions from there.

15 THE COURT: When you say you take the directions,  
16 is there an audio recording that tells you what to do next?

17 THE WITNESS: There's a -- It says "hello" or  
18 something like that. I'm not sure if it tells you what to  
19 do. I have on two occasions in my office, instructions on  
20 how to use the remote control. And there's also one in the  
21 main WJUX studio.

22 BY MS. FRIEDMAN:

23 Q At the time of the inspection, did you know how to  
24 use the remote control?

25 A Yes, I did.

1 THE COURT: You are talking about the WJUX studios  
2 in the WVOS building?

3 THE WITNESS: Yes.

4 THE COURT: Is that how you answered the question?

5 THE WITNESS: Yes.

6 BY MS. FRIEDMAN:

7 Q Ms. Montana, do you handle any finances for WJUX?

8 A No, I do not. Only petty cash.

9 THE COURT: How much does the maximum petty cash  
10 have?

11 THE WITNESS: Approximately \$50.

12 BY MS. FRIEDMAN:

13 Q Ms. Montana, did WJUX ever have a local  
14 salesperson?

15 A Excuse me. Did WJUX ever --

16 Q Have a person whose job was to sell advertising?

17 A Just recently, Mr. Blabey sold some political  
18 time.

19 Q What about the first year of operation?

20 A No.

21 Q Do you know if any local advertising was ever sold  
22 on WJUX?

23 A I'm sorry. Say that again.

24 Q Do you know if any local ads were sold on WJUX?

25 A Other than the recent political ads?

1 Q Yes.

2 A No. I don't know of any.

3 Q Ms. Montana --

4 THE COURT: When you say local, define local.

5 MS. FRIEDMAN: Okay.

6 THE COURT: Or get the witness's definition of  
7 local.

8 BY MS. FRIEDMAN:

9 Q Were there any ads sold for the Sullivan County  
10 area?

11 A Not that I know of. No.

12 Q Did you ever hear any local advertising on WJUX?

13 MR. RILEY: Your Honor, your direction to counsel  
14 a moment ago was important to distinguish between ads sold  
15 by the licensee of WJUX, versus ads for businesses that may  
16 have bought advertising. Not through the licensing of WJUX  
17 but through the Network. And the last question does not  
18 draw that distinction.

19 THE COURT: Well, we have Sullivan County. There  
20 is Liberty. There is Monticello. And local could be  
21 Sullivan County. Local could be Liberty. Local could be  
22 Monticello. Local could be whatever other communities are  
23 up there. And I think we need a definition of local.

24 She can ask what she wants, and you can ask what  
25 you want.

1 MR. RILEY: I realize that. Your Honor, the  
2 reason I raise the point, I thought Ms. Friedman was after a  
3 particular point. That is, was ads sold on behalf of the  
4 licensee, rather than on behalf of the Network? And if that  
5 is the point she is driving at, the question did not contain  
6 the specifications.

7 THE COURT: Well, she has the benefit of what you  
8 said, and she can formulate her questions however she  
9 wishes.

10 MR. RILEY: If it is of any benefit.

11 THE COURT: Yes. I think it is, otherwise you  
12 would not have said it.

13 BY MS. FRIEDMAN:

14 Q Ms. Montana, do you know if Jukebox Radio ever  
15 sold advertising of any nature for WJUX?

16 A I'm sorry. Your question is very confusing.  
17 Jukebox Radio would not sell advertising for WJUX.

18 Q Okay. I withdraw the question.

19 MS. FRIEDMAN: Your Honor, we would like to have a  
20 five or ten minute recess.

21 THE COURT: Why? Do you want to review your notes  
22 and see if there is any more? We do not need a recess. We  
23 will just off the record, and let you do it.

24 MS. FRIEDMAN: Yes.

25 THE COURT: Go off the record.

1 (Whereupon, a short recess was taken.)

2 THE COURT: We are on back on the record.

3 MS. FRIEDMAN: I have no further questions.

4 THE COURT: Mr. Helmick?

5 BY MR. HELMICK:

6 Q Ms. Montana, you are the Public Affairs Director  
7 for WJUX?

8 A That's correct.

9 Q Do you have any role in preparing the quarterly  
10 issues programs list for WJUX?

11 A The what?

12 Q Quarterly issues programs lists. Do you know what  
13 those are?

14 A No, I do not.

15 MR. RILEY: Was the answer, Your Honor, to the  
16 question, do you know what they are, or was it to the  
17 question, do you have any role in preparing them?

18 THE COURT: Why don't you clarify that, Mr.  
19 Helmick?

20 BY MR. HELMICK:

21 Q Do you know what quarterly issues programs list  
22 are?

23 A I know what they are, yes.

24 Q Do you have any role in preparing the quarterly  
25 issues programs lists for WJUX?

1 A I do not.

2 Q To your knowledge, during the period from the time  
3 when WJUX or WXTM went on the air in October, 1995 --

4 A '94.

5 Q Excuse me. Until the FCC inspection in April,  
6 1995, did WJUX originate any programming from its studio  
7 during that period of time?

8 A Not to the best of my knowledge.

9 Q Has any programming ever been originated from the  
10 WJUX studio to your knowledge?

11 A Yes, it has.

12 Q What was that?

13 A Weekly E.B.S. tests are originated at the WJUX  
14 studios.

15 Q From what time period, Ms. Montana?

16 A I believe they started in August of 1995.

17 Q So, after the FCC inspection?

18 A It would seem so, yes.

19 Q Any other programming besides weekly E.B.S. tests?

20 A Yes. I have run some political ads from the WJUX  
21 studio.

22 Q When did that occur?

23 A That was this recent election.

24 Q That would have been in --

25 A 1997.

1 Q Any other programming originate from the WJUX  
2 studios?

3 A Yes. There was -- I believe it was the time that  
4 the fiber optic cable had been cut in Orange County. We ran  
5 a reel full of music that originated at the WJUX studio.

6 Q Do you recall the time frame for that, Ms.  
7 Montana?

8 A I believe that was in early summer of 1995. I  
9 don't recall the exact date.

10 Q It would have been after the FCC inspection?

11 A I believe it was. I don't recall.

12 Q I want to focus for a minute on the incident where  
13 the cable was cut in the summer of 1995.

14 MR. RILEY: Your Honor, that date is not  
15 established in the record, but it is assumed in Mr.  
16 Helmick's question, and I think that is objectionable.

17 THE COURT: I think that in answer to the previous  
18 question, Ms. Montana said that when the fiber optic cable  
19 was cut, they ran a reel full of tape from the music from  
20 WJUX.

21 MR. RILEY: That is correct.

22 THE COURT: And Ms. Montana said it was early  
23 summer 1995, to the best of her knowledge. Is that correct?

24 THE WITNESS: That's correct.

25 MR. RILEY: But Mr. Helmick's next question was



1 that must have been after the FCC inspection, and she said,  
2 'I don't recall.'

3 THE COURT: Well, we know when the FCC inspection  
4 was, and we know when the reel to reel music was run. And  
5 we can draw our own conclusions as to whether it was before  
6 or after the FCC inspection. We do not have to rely on Ms.  
7 Montana's memory for that. She does not remember the  
8 sequence of events, but if she remembers it was the early  
9 summer of '95, then it does not matter what she remembers.

10 MR. RILEY: I have stated my objection, Your  
11 Honor.

12 THE COURT: All right. Mr. Helmick?

13 BY MR. HELMICK:

14 Q Ms. Montana, when that phone line was cut, did  
15 WVOS lose phone service?

16 A Yes, we did.

17 Q WJUX lost phone service?

18 A Excuse me. Let me rephrase that. We lost long  
19 distance phone service, not local phone service.

20 THE COURT: So, it was a phone line that was cut?

21 THE WITNESS: It was a fiber optic cut. And since  
22 we lost long distance phone service, I have to assume it was  
23 a phone line.

24 THE COURT: Okay.

25